

REMARKS

Entry of this Amendment and reconsideration and allowance of the present application are respectfully requested.

Claims 1-3, 6-8, 24, 25, and 27-33 are pending in this application. Claims 1, 24, and 25 are the independent claims.

Claim 32 has been amended to correct a typographical error.

Rejection under 35 U.S.C. § 103 – Nonomura in view of Baldwin

Claims 1-3, 6-7 and 27-32 stand rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,574,419 to Nonomura et al. ("Nonomura") in view of U.S. Patent No. 6,975,363 to Baldwin ("Baldwin"). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner recognizes on page 3 of the November 24, 2009 Final Office Action that Nonomura does not disclose or suggest the following limitations of claim 1:

the still picture data in a first stream file and the audio data in a second stream file ... the first stream file not including audio data;

outputting the decoded still picture data based on the respective still picture STC and presentation time stamps (PTSs) in the still picture data; and

outputting the decoded audio data based on the respective audio STC and PTSs in the audio data; wherein the outputting of the decoded audio data is not synchronized with the outputting of the decoded still picture data.

The Examiner contends that Baldwin teaches the above quoted features, and that it would have been obvious to one skilled in the art to have combined the teachings of Baldwin with Nonomura. Applicants disagree with both contentions.

Baldwin is directed to digital receiver. Baldwin discloses controlling video presentation speed by comparing a program reference clock in a video packet with a local time in the digital receiver (See col. 3, lines 4-15). Baldwin further discloses controlling audio presentation speed by comparing a program reference clock in an audio packet with the same local time in the digital receiver (See col. 3, lines 4-15). Baldwin fails to disclose or suggest system times and presentation time stamps for the video data, and fails to disclose or suggest independent system times and presentation time stamps for the audio data. Baldwin only teaches program reference clocks in the video and audio data. Accordingly, Baldwin can not possibly teach “outputting the decoded still picture data based on the respective still picture STC and presentation time stamps (PTSs) in the still picture data; and outputting the decoded audio data based on the respective audio STC and PTSs in the audio data,” as recited in claim 1.

Further claim 1 requires that the audio data and still picture data be reproduced from the same recording medium. Baldwin is directed to a digital receiver, and only discloses receiving video and audio data from a same broadcast source, not a same medium. Furthermore, even if received from a same broadcast source, the audio and video data may be in different channels, but there is no disclosure that the audio and video data are in different files. There is no mention of a file structure, nor would one expect any mention of a file structure when discussing broadcasts. Therefore, Baldwin fails to disclose or suggest "the still picture data in a first stream file and the audio data in a second stream file ... the first stream file not including audio data," as recited in claim 1.

This highlights the fundamental difference between Baldwin and Nonomura. Baldwin is directed to a digital receiver, while Nonomura is directed to an optical disc reproduction apparatus. These very different technologies present different challenges requiring different solutions. One skilled in the art would not have found it obvious to have applied the teachings of a digital receiver directly to an optical disc reproduction apparatus. As such one skilled in the art would not have combined the teachings of Baldwin to Nonomura as contended by the Examiner.

Accordingly, Nonomura in view of Baldwin fails to render claim 1 obvious to one skilled in the art. Claims 24 and 25 are separate independent claims and should be interpreted solely based on the limitations set forth therein.

However, independent claim 24 and independent claim 25 are allowable for at least reasons similar to those set forth above with regard to claim 1.

Applicants further submit that dependent claims 2-3, 6-7 and 27-32 are allowable at least by virtue of their dependency from one of claim 1, 24 and 25. Therefore, Applicants respectfully request that this art grounds of rejection be withdrawn.

Rejection under 35 U.S.C. § 103 – Nonomura in view of Baldwin and Kato

Claims 8 and 33 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Nonomura in view of Baldwin and U.S. Patent Pub. 2002/0164152 to Kato ("Kato"). Applicants respectfully traverse this rejection.

From even a cursory review, it is clear that Kato does not overcome the disclosure and suggestion deficiencies of Nonomura in view of Baldwin. Accordingly, Nonomura in view of Baldwin and Kato fails to render claims 1, 24 and 25 obvious to one skilled in the art. Claims 8 and 33, dependent on claim 1, are patentable at least by virtue of their dependency on claim 1. Therefore, Applicants respectfully requests that this art grounds of rejection be withdrawn.

CONCLUSION

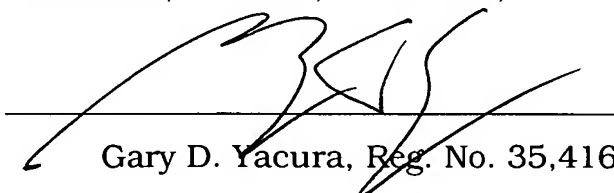
In view of the above remarks and amendments, Applicants respectfully submit that each of the rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Gary D. Yacura at the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,
HARNESS, DICKEY, & PIERCE, P.L.C.

By

A handwritten signature in black ink, appearing to be 'GY', is written over a horizontal line.

Gary D. Yacura, Reg. No. 35,416
P.O. Box 8910
Reston, Virginia 20195
(703) 668-8000

GDY/ ame